

Court of Appeals, State of Michigan

ORDER

People of MI v Brian Thomas Hilton

Docket No. 305059

LC No. 2010-233650-FC

Kathleen Jansen
Presiding Judge

Mark J. Cavanagh

Elizabeth L. Gleicher
Judges

The Court orders that the motion to remand to settle the trial court record, or in the alternative, move for a new trial, is GRANTED. On remand, defendant-appellant shall follow the procedures in MCR 7.210(B)(2) to settle the facts for any portions of the trial court record that are not available. Defendant-appellant may also file with the trial court a motion requesting a new trial based on the missing record. Proceedings on remand are limited to the issues as raised in the motion to remand.

Defendant-appellant shall file a proposed statement of facts and any motion for a new trial with the trial court within 14 days of the Clerk's certification of this order. Defendant-appellant is to file with this Court a copy of the proposed statement of the facts, any motion, and any supporting brief filed in the trial court within 14 days of the Clerk's certification of this order. The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order. Defendant-appellant must also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

The trial court is to make findings of fact and a determination on the record. The trial court is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon issuance of an order in the trial court that finally disposes of the remand proceedings. Nevertheless, the time for proceeding with the appeal begins 14 days from the date of certification of this order if remand pleadings are not filed in the trial court.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAR 22 2012

Date

Larry S. Royster
Chief Clerk